

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

Steven Ciano,

Plaintiff,

v.

Greater Boston Properties, Inc.; and DOES 1-
10, inclusive,

Defendants.

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Civil Action No.: _____

COMPLAINT

For this Complaint, the Plaintiff, Steven Ciano, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendants' repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").
2. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

3. The Plaintiff, Steven Ciano ("Plaintiff"), is an adult individual residing in Dorchester, Massachusetts, and is a "person" as the term is defined by 47 U.S.C. § 153(39).
4. Defendants Greater Boston Properties, Inc. ("GBPI"), is a Massachusetts business entity with an address of 696 Tremont Street, Boston, Massachusetts 02118, and is a "person" as the term is defined by 47 U.S.C. § 153(39).

5. Does 1-10 (the “Agents”) are individual agents employed by GBPI and whose identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

6. GBPI at all times acted by and through one or more of the Agents.

FACTS

7. GBPI is a residential property management company.

8. Within the last two years, GBPI called Plaintiff’s cellular telephone, number 978-xxx-1973.

9. At all times mentioned herein, GBPI contacted Plaintiff using an automated telephone dialer system (“ATDS”) and an artificial or prerecorded voice.

10. GBPI called Plaintiff from telephone number 617-536-4900.

11. When Plaintiff answered GBPI’s calls, he heard a prerecorded message informing him of new improvements made to the properties owned by GBPI.

12. In or around September of 2014, Plaintiff called GBPI and informed it that he no longer lived at a GBPI property and that he no longer wished to receive its prerecorded calls to his cellular telephone.

13. Plaintiff continued to receive GBPI’s prerecorded calls.

14. In December of 2014, Plaintiff again called GBPI and again informed it that he no longer wished to receive its prerecorded calls to his cellular telephone.

15. Nonetheless, Plaintiff continued to receive GBPI’s prerecorded calls.

16. In or around February of 2015, Plaintiff again called GBPI and again informed it that he wanted GBPI’s prerecorded calls to stop. Nonetheless, the calls continued.

17. Plaintiff was annoyed, harassed, and irritated by GBPI’s continued automated and prerecorded calls.

COUNT I
VIOLATIONS OF THE TCPA – 47 U.S.C. § 227, et seq.

18. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

19. At all times mentioned herein, Defendants called Plaintiff on his cellular telephone using an ATDS and a prerecorded or artificial voice.

20. Defendants continued to place automated calls to Plaintiff's cellular telephone after being directed by Plaintiff to cease calling and knowing there was no consent to continue the calls. As such, each call placed to Plaintiff was made in knowing and/or willful violation of the TCPA, and subject to treble damages pursuant to 47 U.S.C. § 227(b)(3)(C).

21. The telephone number called by the Defendants was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

22. The calls from the Defendants to Plaintiff were not placed for "emergency purposes" as defined by 47 U.S.C. § 227(b)(1)(A)(i).

23. Each of the aforementioned calls made by the Defendants constitutes a violation of the TCPA.

24. Plaintiff is entitled to an award of \$500.00 in statutory damages for each call placed in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

25. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against Defendants:

1. Statutory damages of \$500.00 for each violation pursuant to 47 U.S.C. § 227(b)(3)(B);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C);
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: February 16, 2016

Respectfully submitted,

By /s/ Sergei Lemberg

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